

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	Case No. 5:08CR335
)	
Plaintiff,)	
)	Judge Kathleen M. O'Malley
v.)	
)	ORDER
JOEL A. FREEDMAN,)	
)	
Defendant.)	

The United States moves for the Court to issue an Order authorizing the government to provide notice by publication or news release to the large number of potential crime victims in this case in satisfaction of its obligations under the "Justice for All Act." 18 U.S.C. § 3771. Pursuant to Title 18, United States Code § 3771(a), crime victims in federal cases have specific rights, including the right to reasonable, accurate, and timely notice of public court proceedings. 18 U.S.C. § 3771(a)(2).

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In this case, the potential victims of the charged mail fraud scheme are the individuals who sent fees to the defendant which were deposited to bank accounts controlled by the defendant. These numerous individuals have not yet been fully identified and located. The United States estimates that approximately 19,000 individuals sent in application fees during the charged time period of March 1, 1999, through August, 2008. It would, therefore, be impracticable for the government to identify and locate all of the victims and provide them with a reasonable, accurate and timely notice, as well as the other prescribed rights, without unduly prolonging the proceedings.

The Court finds that the number of crime victims in this case makes it impracticable to accord all the crime victims the rights described in Title 18, United States Code, § 3771(a).

Under these circumstances, 18 U.S.C. § 3771(d)(2) gives the Court the authority to “fashion a reasonable procedure to give effect to this chapter that does not unduly complicate or prolong the proceedings.” The government seeks authorization to provide notice to the potential victims by publication or news release by placing an ad in three weekly national publications which had been used by the defendant in the course of his scheme. These publications are the Sun, the Globe, the National Examiner and the National Enquirer and are

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identified as being representative of the market from which a large victim population was contacted in this case. The text of the proposed notice is contained in the United States' motion.

The Court adopts the proposal of notification suggested by the government including its addition of the publication the National Enquirer mentioned by the government at the hearing on November 10, 2009. The Court finds that notice by publication or news release as outlined by the government in its motion is a "reasonable procedure" that would give effect to the provisions of 18 U.S.C. § 3771 without unduly complicating or prolonging the proceedings.

Accordingly, the United States is authorized to provide notice to the potential victims in this case by the issuance of a publication or general news release, as outlined in its motion, and by doing so, satisfy the provisions of 18 U.S.C. § 3771.

IT IS SO ORDERED.

Date: 11/10/09


KATHLEEN M. O'MALLEY
UNITED STATES DISTRICT COURT JUDGE